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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FEATHERSTONE, MARK D

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/449,016	Applicant(s) KAMEN ET AL.	
	Examiner MARK D. FEATHERSTONE	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-48 is/are pending in the application.
- 4a) Of the above claim(s) 17-48 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/07/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Amendment

1. Response to amendment filed 4/17/2008. Claim 1 has been amended. Claims 2 and 15 have been canceled. Claims 17-48 are withdrawn. Claims 1, 3-14, and 16 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-14, and 16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent; or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, *except* that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English.

4. Claims 1, 5, and 7-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Ahmad et al, US Patent # 6263507.

With regard to claim 1, Ahmad discloses:

A method comprising:

displaying a first television program on a video screen to a user, said first television program comprising a segment (Figure 2B, item 213 and column 17, lines 1-3; Ahmad discloses displaying a video segment of a news program on a screen)

changing the first television program segment to a second television program segment in response to a user selection (Figure 2B, item 216 and column 15, lines 43-45; Ahmad discloses control buttons that the user can select to change which news story is displayed), whereupon the video screen comprises a window region continuing to display an indication of the first television program segment simultaneously in a main program screen with the second television program segment (Figure 2B, item 212 and column 16, lines 26-54; Ahmad discloses a window region that displays a GUI of several subdivided rows, each depicting a separate news program; Ahmad further discloses that shows that have already been viewed can be marked, such as to shade them a particular color, therefore, an indicator of a first program would remain on the screen when the video has been switched to a second program); and

modifying what is displayed to the user in the window region when the first television program segment is complete (Figure 2B, item 212 and column 16, lines 43-54; Ahmad disclose shading shows that have already been viewed a separate color, indicating that the user has finished viewing them)

With regard to claim 5, Ahmad discloses the method of claim 1 in that he discloses a first television program segment. Ahmad further discloses that the segment may be an advertisement (column 16, lines 31-35; Ahmad specifically describes that the segments may be an advertisement segment that is separated from another segment, for example a news story).

With regard to claim 7, Ahmad discloses the method of claim 1 in that he discloses a second television program segment. He further discloses that the segment may comprise access to the internet (column 19, line 62 - column 20, line 15; Ahmad discloses that the source of the programs can be from the internet, i.e. the second television program segment can be a segment obtained from the internet, which corresponds to accessing the internet).

With regard to claim 8, Ahmad discloses the method of claim 1 in that he discloses a second television program segment displayed to the user. Ahmad further discloses that the second program segment can be a regularly received television channel on the video screen (Figure 2B, item 212, and column 21, lines 10-16; Ahmad clearly illustrates program segments from CNN and NBC, etc can be specified by the user)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad in view of Alonso et al, US Patent # 6184878, hereafter Alonso.

With regard to claim 3, Ahmad discloses the method of claim 1 in that he discloses a window region that indicates a first television program segment. Ahmad fails to disclose that the region is a banner displaying products and/or services.

In an analogous art, Alonso describes a system that can display web pages using a set top terminal. Moreover, Alonso describes that the system can receive and display advertising banners (column 7, lines 31-35; Alonso specifically mentions that a head-end can send banner messages to a subscriber to be displayed via the set top terminal on the screen).

It would have been obvious to one of ordinary skill in the art at the time of invention to add the feature of Alonso of sending and displaying banner advertisements to a user and displaying them on the screen to the system of Ahmad that displays information about a video in a separate window that the video is playing in. The advantage of doing so would have been to advertise products/services to a user that relates to the video he is watching.

With regard to claims 9-10, Ahmad describes the method of claim 1 in that he discloses a window region that displays information about a video playing in another window region. Ahmad fails to disclose that the first region contains a link, wherein said link is to a web page (as specified in claim 10).

Alonso does describe a window region of a display screen that displays a menu of hypertext links that invokes web pages upon request (column 4, line 64

– column 5, line 15; Alonso specifically discloses an embodiment in which a user displays a menu of links, that are used to request a www page).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Alonso of webpage access via a link to the system of Ahmad that displays information about a video program. The advantage would have been to allow the user access to the internet in order to see desired content related to a show he is watching.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad in view of Alexander et al, US Patent # 6177931, hereafter Alexander.

With regard to claim 4, Ahmad discloses the method of claim 1 in that he discloses a window region that displays information about a video segment. Ahmad fails to disclose that the window region displays a thumbnail commercial (defined by the applicant as a commercial in a small window region).

Alexander does disclose this feature (Figure 1, item 14 and column 3, lines 8-10; Alexander specifically discloses a small window (1/9th the screen size) that displays a commercial advertisement).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Ahmad with the feature of Alexander to include a thumbnail commercial. The advantage would have been to advertise products/services to the user while viewing programming).

8. Claims 6, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad in view of Reynolds et al, US Patent # 6934963, hereafter Reynolds.

With regard to claim 6, Ahmad discloses the method of claim 1 in that he discloses displaying information in a region of the screen about a segment (which could be a commercial, as described in the claim 5 rejection) that is playing in another region of the screen. Ahmad fails to disclose that the information is a banner that is indicative of the product being advertised during a commercial.

Reynolds does disclose displaying a banner consisting of a supplemental advertisement in a region of the screen that is separate from the region that is playing a commercial for the same product (Figure 9b, item 910 and column 16, line 64 - column 17, line 2).

It would have been obvious to one of ordinary skill in the art at the time of invention to add the feature of displaying a banner that advertises a product that is being promoted during a commercial in another region of the screen as taught by Reynolds to the system as taught by Ahmad that displays information about a program (which could be a commercial) in a separate region of the screen. The advantage would have the ability of the user to order the product as taught by Reynolds.

With regard to claim 11, Ahmad discloses broadcasting a first video program signal, said first video program comprising a segment (column 11, lines 31-40; Ahmad describes the information source can be a television news

broadcast; column 9, lines 25-30; Ahmad describes that the system allows the user to move between the segments of information)

receiving a user input to change the first video program signal to a second video program signal (Figure 2B, item 216 and column 15, lines 43-45; Ahmad discloses control buttons that the user can select to change which news story is displayed)

providing additional signal information representative of the first video program signal to be displayed in a window on a video screen while simultaneously displaying information other than second video program signal in response to the input (Figure 2B, item 214 and column 18, lines 52-66; Ahmad clearly describes secondary information related to the being displayed to the user; column 16, lines 43-54; Ahmad describes that the user can select different segments to be viewed; upon selecting a different segment, new information will be displayed such as shading the new currently viewed program window and shading the already viewed segment with a different color - this information would not correspond to the second video program signal)

Ahmad does not disclose broadcasting information corresponding to a link, said link being associated with a banner so that a viewer can click on said banner.

Reynolds does describe broadcasting of an interactive advertisement banner (Figure 9a and 9b, item 910) and column 16, lines 47-67; Reynolds

illustrates and describes an interactive advertisement banner in which a viewer can click on in order to order a product).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature as taught by Reynolds to display banner advertisements to the system of Ahmad that displays information about a program in a separate window region. The advantage would have been the ability of the user to order products associated with his interests.

With regard to claims 12-13, Ahmad, in view of Reynolds discloses the method of claim 11 in that they disclose providing additional signal information representative of the first video program to be displayed. As described, Ahmad provides metadata information such as program description and running time to the user. Reynolds further teaches sending program guide information to the user in a portion of the video signal not normally containing visual information, such as the blanking interval (as specified in claim 13) (column 9, lines 13-25; Reynolds describes sending the program guide information to the user via the vertical blanking interval).

It would have been obvious to one of ordinary skill in the art at the time of invention to include the feature of sending metadata information such as program guide information in the blanking interval as taught by Reynolds to the system of displaying information related to a program as taught by Ahmad in view of Reynolds. The advantage would have been to send additional information in this available space as is well-known in the art.

With regard to claim 14, Ahmad, in view of Reynolds discloses the method of claim 11 in that they disclose displaying segments to a user. Ahmad further teaches that the segments can be television commercials (column 16, lines 31-35; Ahmad specifically describes that the segments may be an advertisement segment that is separated from another segment, for example a news story).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ahmad in view of Reynolds in further view of Alonso.

With regard to claim 16, Ahmad, in view of Reynolds, teaches the method of claim 11 in that they teach broadcasting information pertaining to a link (see claim 11 rejection). They fail to teach that the link is to a web page.

Alonso does describe a window region of a display screen that displays a menu of hypertext links that invokes web pages upon request (column 4, line 64 – column 5, line 15; Alonso specifically discloses an embodiment in which a user displays a menu of links, that are used to request a www page).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the feature of Alonso of webpage access via a link to the system of Ahmad, in view of Reynolds, that displays information about a video program. The advantage would have been to allow the user access via a link to the system of Ahmad that displays information about a video program. The advantage would have been to allow the user access to the internet in order to see desired content related to a show he is watching.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK D. FEATHERSTONE whose telephone number is (571)270-3750. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F US Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E-Signed

/Mark Featherstone/ - Assistant Examiner

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623